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No. 2

GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

Notification

7/13/2017-LA

The Goa Agricultural Tenancy (Amendment) Act, 2017 (Goa Act 12 of 2017), which has been passed by the Legislative Assembly of Goa on 2-8-2017 and assented to by the Governor of Goa on 29-8-2017, is hereby published for the general information of the public.

Sharad G. Marathe, Additional Secretary (Law).

Porvorim, 31st August, 2017.

The Goa Agricultural Tenancy (Amendment) Act, 2017

(Goa Act 12 of 2017) [29-8-2017]

AN

ACT

further to amend the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964).

Be it enacted by the Legislative Assembly of Goa in the Sixty-eighth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Agricultural Tenancy (Amendment) Act, 2017.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964) (hereinafter referred to as the “principal Act”),—

(i) before clause (1A), the following clause shall be inserted, namely:—

“(1) “Administrative Tribunal” means the Administrative Tribunal constituted under the Goa Administrative Tribunal Act, 1965 (Act No. 6 of 1965);”;

(ii) clause 5A shall be omitted;

(iii) in clause (19A), for the expression “Court of Senior Civil Judge”, the word “Mamlatdar” shall be substituted;

(iv) for clause (24), the following clause shall be substituted, namely:—

“(24) “Tribunal” means the Tribunal constituted under this Act; and”.

3. *Amendment of sections 7, 7A, 8, 8A, 10, 11, 12, 14, 18B, 18C, 18E, 18F, 18G, 18H, 18J, 18K and 18L.*— In sections 7, 7A, 8, 8A, 10, 11, 12, 14, 18B, 18C, 18E, 18F, 18G, 18H, 18J, 18K and 18L of the principal Act, for the expression “Court of Senior Civil Judge”, wherever it occurs, the word “Mamlatdar” shall be substituted.

4. *Amendment of section 18.*— In section 18 of the principal Act,—

(i) for the expression “Court of Senior Civil Judge”, wherever it occurs, the word “Mamlatdar” shall be substituted;

(ii) in sub-section (4), for the words “District Court”, the word “Collector” shall be substituted.

5. *Amendment of section 18A.*— In section 18A of the principal Act,—

(i) for the expression “Court of Senior Civil Judge”, wherever it occurs, the word “Mamlatdar” shall be substituted;

(ii) in sub-section (2), for the expression “in appeal by the District Court”, the expression “in appeal by the Collector or in revision by the Administrative Tribunal” shall be substituted.

6. *Insertion of section 43.*— After section 42A of the principal Act, the following section shall be inserted, namely:—

“43. *Tribunal.*— (1) For the purpose of this Act there shall be a Tribunal consisting of not more than three members, called the Agricultural Lands Tribunal, for such area as the Government may, by notification, from time to time specify.

(2) Notwithstanding anything contained in sub-section (1), the Government may appoint any officer not below the rank of a Mamlatdar to be the Agricultural Lands Tribunal and to exercise the powers and to perform the duties and functions of the said Tribunal under this Act in a Taluka or in any other area as may be specified in this behalf.

(3) Save as otherwise provided, the qualifications of the members constituting the Tribunal and conditions of service and all other matters relating to the constitution or organisation of the Agricultural Lands Tribunal shall be such as may be prescribed.”.

7. *Amendment of section 46.*— In section 46 of the principal Act, for the word “Tribunal”, the words “Mamlatdar or Tribunal” shall be substituted.

8. *Substitution of section 46A.*— For section 46A of the principal Act, the following section shall be substituted, namely:—

“46A. *Powers of the Mamlatdar to inquire into contraventions.*— (1) Notwithstanding the fact that no application has been made to him in this behalf, the Mamlatdar may, upon information received or upon his own knowledge or suspicion, that any of the provisions of this Act have been contravened, hold an inquiry in the prescribed manner into the alleged contravention as if an application had been made to him in this regard.

(2) The Government, Collector or any officer empowered by the Government in this behalf, may, in any case, where it/he has reason to believe that there has been a contravention of the provisions of this Act, direct the Mamlatdar to hold an inquiry into alleged contravention.”.

9. *Substitution of section 46B.*— For section 46B of the principal Act, the following section shall be substituted, namely:—

“46B. *Transfer and disposal of pending applications, appeals and revisions.*— (1) All applications and/or proceedings under sections 7, 7A, 8, 8A, 10, 11, 12, 14, 18, 18A, 18B, 18C, 18E, 18F, 18G, 18H, 18J and 18K of this Act filed and pending with the Court of Senior Civil Judge immediately before the commencement of the Goa Agricultural Tenancy (Amendment) Act, 2017, shall, on such commencement, stand transferred to the Mamlatdar having jurisdiction over such matters and such Mamlatdar may proceed to deal with such matters from the stage at which they have reached before such transfer.

(2) All appeals and revisions against the orders passed by the Mamlatdar, pertaining to the applications and/or proceedings referred to in sub-section (1), filed and pending with the District Court, if any, immediately before the commencement of the Goa Agricultural Tenancy (Amendment) Act, 2017, shall, on such commencement, stand transferred to the

Collector having jurisdiction over such matters and such Collector may proceed to deal with such matters from the stage at which they have reached before such transfer.

(3) All appeals and revisions against the orders passed by the Collector, filed and pending with the District Court, if any, immediately before the commencement of the Goa Agricultural Tenancy (Amendment) Act, 2017, shall, on such commencement, stand transferred to the Administrative Tribunal and such Administrative Tribunal may proceed to deal with such matters from the stage at which they have reached before such transfer.

(4) All appeals and revisions against the orders passed by the Court of Senior Civil Judge, filed and pending with the District Court immediately before commencement of the Goa Agricultural Tenancy (Amendment) Act, 2017, shall, on such commencement, be continued in and disposed by, the District Court.”.

10. *Insertion of section 48.*— After section 47 of the principal Act, the following section shall be inserted, namely:—

“48. *Execution of order for payment of money or restoring possession.*— (1) Any sum the payment of which has been directed by an order of the Mamlatdar or the Tribunal or the Collector including an order awarding costs, shall be recoverable from the person ordered to pay the same as an arrear of land revenue; an order of the Mamlatdar or the Tribunal awarding possession or restoring the possession or use of any land shall be executed in such manner as may be prescribed:

Provided that such recovery shall not be made and such order other than an order directing the restoration of possession to a tenant shall not be executed till the expiry of the period of appeal or, as the case may be, of application for revision as provided in this Act.

Explanation:— For the purposes of the preceding proviso, the expression “tenant” shall not include a person deemed to be a tenant under section 4 or section 5.

(2) An order or decision of the Mamlatdar in execution proceedings, subject to appeal, if any, shall be final.”.

11. *Substitution of section 49.*— For section 49 of the principal Act, the following section shall be substituted, namely:—

“49. *Appeals.*— (1) From every order including an order passed under chapter II-A other than an interim order passed by the Mamlatdar or the Tribunal under this Act, an appeal shall lie to the Collector and the orders of the Collector on such appeal shall be final, subject to revision, if any, by the Administrative Tribunal:

Provided that where such order has been passed by the Court of Senior Civil Judge before the commencement of the Goa Agricultural Tenancy (Amendment) Act, 2017, an appeal shall lie to the District Court and the orders of the District Court on such appeal shall be final.

(2) From every original order other than an interim order passed by the Collector an appeal shall lie to the Administrative Tribunal and the orders of the Administrative Tribunal on such appeal shall be final.”.

12. *Substitution of section 50.*— For section 50 of the principal Act, the following section shall be substituted, namely:—

“50. *Revision.*— (1) Where no appeal lies under this Act, or none has been filed within the period provided for it, the Collector may, on his own motion or on an application made by an aggrieved person or on a reference made in this behalf by the Government, at any time call for the record of any inquiry or the proceedings of any Mamlatdar or Tribunal for the purpose of satisfying himself as to the legality or propriety of any order passed by and as to the regularity of the proceedings of such Mamlatdar or Tribunal

and pass such order thereon as he deems fit:

Provided that no such record shall be called for after the expiry of one year from the date of such order and no order of such Mamlatdar shall be modified, annulled or reversed unless opportunity has been given to the interested parties to appear and be heard.

(2) An application for revision may be made to the Administrative Tribunal against any order, other than an interim order of the Collector, on the following grounds only:—

(a) that the order of the Collector was contrary to law;

(b) that the Collector has failed to determine some material issue of law; or

(c) that there was a substantial error in following the procedure provided by this Act, which has resulted in the miscarriage of justice.”.

13. *Substitution of section 51.*— For section 51 of the principal Act, the following section shall be substituted, namely:—

“51. *Extent of powers in appeal or revision.*— (1) The Collector or the Administrative Tribunal in appeal or in revision, may confirm, modify or rescind the order in appeal or revision or its execution or may remand the case for disposal with such direction as deemed fit or pass such other order as may seem legal and just in accordance with the provisions of this Act.

(2) The orders passed in appeal or revision shall be executed in the manner provided for the execution of the orders of the Mamlatdar or the Tribunal under this Act.”.

14. *Substitution of section 51A.*— For section 51A of the principal Act, the following section shall be substituted, namely:—

“51A. *Finality of decisions of District Court.*— Every order or decision of the District Court passed/taken shall be final and conclusive.”.

15. *Amendment of section 52.*— In section 52 of the principal Act,—

(i) in sub-section (1), for the expression “Court of Senior Civil Judge”, the word “Collector” shall be substituted;

(ii) in sub-section (2),

(a) the expression “, or the Court of Senior Civil Judge,” shall be omitted;

(b) for the words “District Court”, the words “Administrative Tribunal or the District Court” shall be substituted.

16. *Amendment of section 53.*— In section 53 of the principal Act, for the expression “inquiries and proceedings under this Act”, the expression “inquiries, appeals and proceedings under this Act and in revision by the Collector” shall be substituted.

17. *Insertion of section 58 B.*— After section 58 A of the principal Act, the following section shall be inserted, namely:—

“58B. *Bar to jurisdiction of Courts.*— Save as provided in this Act, no Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by the Mamlatdar, Tribunal, Collector, Administrative Tribunal or Government, and no order passed by these authorities under this Act shall be questioned in any Civil or Criminal Court.”.

18. *Amendment of section 59.*— In section 59 of the principal Act, for the expression “Tribunal, Collectors and Court of Senior Civil Judge”, the words “Tribunal and Collectors” shall be substituted.

19. *Insertion of section 60C.*— After section 60 B of the principal Act, the following section shall be inserted, namely:—

“60C. *Time limit for disposal of cases.*— All applications and/or proceedings under

sections 7, 7A, 14 and 18C of this Act shall be disposed as far as possible within a period of three years from the date of their filing or from the date of their receipt from the Court of Senior Civil Judge, as the case may be.”.

Secretariat,
Porvorim-Goa.
Dated: 31-8-2017.

SUDHIR MAHAJAN
Secretary to the
Government of Goa
Law Department
(Legal Affairs).

Notification

7/17/2017-LA

The Goa Compensation to the Project Affected Persons and Vesting of Land in the Government Act, 2017 (Goa Act 16 of 2017), which has been passed by the Legislative Assembly of Goa on 7-8-2017 and assented to by the Governor of Goa on 29-8-2017, is hereby published for the general information of the public.

Sharad G. Marathe, Additional Secretary
(Law).

Porvorim, 31st August, 2017.

The Goa Compensation to the Project Affected Persons and Vesting of Land in the Government Act, 2017

(Goa Act 16 of 2017) [29-8-2017]

AN

ACT

to provide for compensation to the project affected persons and vesting of land in the Government.

Be it enacted by the Legislative Assembly of Goa in the Sixty-eighth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—
(1) This Act may be called the Goa Compensation to the Project Affected Persons and Vesting of Land in the Government Act, 2017.

(2) It extends to the whole of the State of Goa.

(3) It shall be deemed to have come into force on the 1st day of December, 2012.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “Authority” means the Goa Project Affected Persons Disputes Redressal Authority established under sub-section (1) of section 5 of this Act;

(b) “Collector” means the Collector of the District where the land is situated and includes any other officer specially empowered by the Government by notification in the Official Gazette to perform the functions of a Collector under this Act;

(c) “Court” means the Court of the Principal District Judge of Original Jurisdiction and includes the Court of any Additional District Judge or the Court of Civil Judge having pecuniary jurisdiction as may be specified by the Government by notification as a Court;

(d) “Government” means the Government of Goa;

(e) “land” includes benefits arising out of land, things attached to earth or permanently fastened to anything attached to the earth;

(f) “project” means project undertaken by the Government for public purpose;

(g) “Public purpose” shall mean and include the following purposes, namely:—

(a) strategic purposes relating to State police, safety of the people; or

(b) infrastructure projects, which includes the following, namely:—

(i) projects involving agro-processing, supply of inputs to agriculture, warehousing, cold storage facilities, marketing infrastructure for agriculture and allied

activities such as dairy, fisheries, and meat processing, set up or owned by the Government or by a farmers' co-operative or by an institution set up under a statute;

(ii) project for industrial corridors or mining activities;

(iii) project for water harvesting and water conservation structures, sanitation;

(iv) project for Government administered, Government aided educational and research schemes or institutions;

(v) project for sports, health care, tourism, transportation;

(vi) any infrastructure facility as may be notified in this regard by the Government;

(c) project for project affected families.

(d) project for housing, or such income groups, as may be specified from time to time by the Government;

(e) project for planned development or the improvement of village sites or any site in the urban areas or provision of land for residential purposes for the weaker sections in rural and urban areas;

(f) project for residential purposes to the poor or landless or to persons residing in areas affected by natural calamities, or to persons displaced or affected by reason of the implementation of any scheme undertaken by the Government, any local authority or a corporation owned or controlled by the Government;

(g) infrastructural project of any Statutory corporations, bodies, authorities or any other Government bodies and includes the land acquired for any project relating to Airport.

3. *Compensation to the Project Affected Person.*— (1) Where any land is acquired by the Government under the Land Acquisition Act, 1894 (Act 1 of 1894), the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) or any other law, dealing with acquisition of land, for the time being in force and the acquired land has been already marked out and measured and a plan has been made of the same, such land as marked in such plan shall be deemed to have been validly acquired and vested in the Government free from all encumbrances, and the Government shall pay compensation thereof to the interested person, notwithstanding the fact that the details of such land such as area, survey number or the details of the interested person such as name, address, etc., is, not specified or erroneously specified in the notification, declaration, award, notice or order issued under the said Acts.

(2) Any dispute arising out of the provisions contained in sub-section (1) shall be referred to the Authority constituted under section 5. The decision of the Authority shall be final and binding.

(3) In the event any interested person fails to claim compensation, the Collector shall cause compensation payable under sub-section (1) to be deposited in the Court in a separate account.

4. *Vesting of Land in the Government.*— (1) Notwithstanding,—

(i) anything contained in the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975), the Legislative Diploma No. 645 dated 30-3-1933 in its application to the State of Goa, the Goa Land Use (Regulation) Act, 1991 (Act 3 of 1991) or any other law for the time being in force, or decree, judgment or direction of any Court or rules, regulations, notifications or Orders issued by the Government; and

(ii) prohibition on, sale of land under the said Legislative Diploma No. 645 dated

30-03-1933 or development of land in no development zone or use of land under the said Act 21 of 1975 or the Act 3 of 1991, as the case may be, or rules, notifications, plans issued thereunder, the Government shall be entitled to enter into any transaction with any person, body of persons, committee, etc., including transaction to enter into contract or obtain no objection certificate from the owner, where the land is needed for public purpose and all such land purchased/acquired by the Government shall vest in the Government free from all encumbrances of whatsoever nature and the Government shall use such land for setting up of project.

(2) Where the Government has already entered into any transaction referred to in sub-section (1) before the commencement of this Act, all such transactions shall be deemed to have been validly done, or entered into and all such land shall be deemed to have been vested in the Government free from all encumbrances.

(3) The Government shall use the land referred under sub-sections (1) and (2) for setting up of project.

5. *Establishment of Authority.*— (1) The Government shall for the purpose of providing speedy disposal of disputes under this Act establish by notification in the Official Gazette one or more authorities to be known as the Project Affected Persons Disputes Redressal Authority.

(2) The Authority shall consists of one person who shall be not below the rank of Secretary to the Government of Goa to be appointed by the Government by notification in the Official Gazette.

(3) If any vacancy occurs in the office of the Authority, the Government shall appoint another person in accordance with the provisions of this Act to fill such vacancy and the proceedings may be continued before the Authority from the stage at which it had reached when such vacancy arose.

6. *Protection for action taken in good faith.*— No suit, prosecution or other proceedings shall lie against the Government

or any officer of the Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

7. *Jurisdiction of Civil Courts barred.*— No civil court (other than High Court or the Supreme Court) shall have jurisdiction to entertain any dispute in respect of which the Authority is empowered by or under this Act, and no injunction shall be granted by any court in respect of any such matter.

8. *Power to make rules.*— The Government may, by notification, in the Official Gazette make rules to carry out the purposes of this Act.

9. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removal of the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of two years from the date of enactment of this Act.

(2) Every order made under this section shall be laid as soon as may be after it is made, before the State Legislature.

Secretariat,
Porvorim-Goa.
Dated: 31-8-2017.

SUDHIR MAHAJAN
Secretary to the
Government of Goa
Law Department
(Legal Affairs).

Notification

7/18/2017-LA

The Goa Excise Duty (Amendment) Act, 2017 (Goa Act 15 of 2017), which has been passed by the Legislative Assembly of Goa on 7-8-2017 and assented to by the Governor of Goa on 29-8-2017, is hereby published for the general information of the public.

Sharad G. Marathe, Additional Secretary
(Law).

Porvorim, 31st August, 2017.

**The Goa Excise Duty (Amendment)
Act, 2017**

(Goa Act 15 of 2017) [29-8-2017]

AN

ACT

further to amend the Goa Excise Duty Act, 1964 (Act 5 of 1964).

Be it enacted by the Legislative Assembly of Goa in the Sixty-eighth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Excise Duty (Amendment) Act, 2017.

(2) It shall come into force at once.

2. *Amendment of section 3.*— In section 3 of the Goa Excise Duty Act, 1964 (Act 5 of 1964),—

(i) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) To assist the Commissioner in the execution of his functions under this Act, the Government shall appoint an Additional Commissioner of Excise or as many Deputy or Assistant Commissioners or other Officers as may be considered necessary.”;

(ii) for sub-section (7), the following sub-section shall be substituted, namely:—

“(7) Subject to such restrictions and conditions as may be prescribed, the Commissioner may, by order in writing, delegate any of his powers under this Act to the Additional or Deputy or Assistant Commissioner or to such other officers and persons appointed under sub-sections (2) and (3).”.

Secretariat,
Porvorim-Goa.
Dated: 31-8-2017.

SUDHIR MAHAJAN
Secretary to the
Government of Goa
Law Department
(Legal Affairs).

Notification

7/19/2017-LA

The Goa Value Added Tax (Tenth Amendment) Act, 2017 (Goa Act 14 of 2017), which has been passed by the Legislative Assembly of Goa on 7-8-2017 and assented to by the Governor of Goa on 29-8-2017, is hereby published for the general information of the public.

Sharad G. Marathe, Additional Secretary
(Law).

Porvorim, 31st August, 2017.

**The Goa Value Added Tax (Tenth
Amendment) Act, 2017**

(Goa Act 14 of 2017) [29-8-2017]

AN

ACT

further to amend the Goa Value Added Tax Act, 2005 (Goa Act 9 of 2005).

Be it enacted by the Legislative Assembly of Goa, in the Sixty-eighth Year of Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Value Added Tax (Tenth Amendment) Act, 2017.

(2) It shall be deemed to have come into force on the 1st day of July, 2017.

2. *Amendment of section 2.*— In section 2 of the Goa Value Added Tax Act, 2005 (Goa Act 9 of 2005) (hereinafter referred to as the “principal Act”),—

(i) clauses (a), (b), (j) and (l) shall be omitted;

(ii) for clause (p), the following clause shall be substituted, namely:—

“(p) “goods” means—

(i) petroleum crude;

(ii) high speed diesel;

(iii) motor spirit (commonly known as petrol);

(iv) natural gas;

(v) aviation turbine fuel; and

(vi) alcoholic liquor for human consumption;”.

3. *Amendment of section 35.*— In section 35 of the principal Act, in sub-section (4), for the expression “sub-section (2)”, the expression “this section” shall be substituted.

4. *Amendment of section 70.*— In section 70 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Notwithstanding anything contained in sub-section (1), every dealer liable to pay tax, other than the one dealing in any of the goods, namely, petroleum crude, high speed diesel, motor spirit (commonly known as petrol), natural gas, aviation turbine fuel and alcoholic liquor for human consumption, shall, if his gross turnover of sales for the period commencing from the first day of the respective financial year till the end of the day immediately before commencement of the Goa Goods and Services Tax Act, 2017 (Goa Act 4 of 2017), exceeds rupees twenty-five lakh, or in any other case, if the amount of input tax credit claimed by him during the said period exceeds rupees three lakh, get his accounts in respect of that period audited by an accountant by such date and in such manner as may be prescribed and furnish the report of such audit duly verified and signed by such accountant setting forth such particulars and certificates, in such form and within such period, as may be prescribed:

Provided that except in case of oil marketing company, the turnover of goods listed in Schedule ‘D’ and Schedule ‘G’ shall not be included in the gross turnover of sales specified above.”.

5. *Repeal and Saving.*— (1) The Goa Value Added Tax (Tenth Amendment) Ordinance,

2017 (Ordinance No. 4 of 2017) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Secretariat,
Porvorim-Goa.
Dated: 31-8-2017.

SUDHIR MAHAJAN
Secretary to the
Government of Goa
Law Department
(Legal Affairs).

Notification

7/20/2017-LA

The Goa Protection of Interests of Depositors (in Financial Establishments) (Amendment) Act, 2017 (Goa Act 13 of 2017), which has been passed by the Legislative Assembly of Goa on 7-8-2017 and assented to by the Governor of Goa on 29-8-2017, is hereby published for the general information of the public.

Sharad G. Marathe, Additional Secretary
(Law).

Porvorim, 31st August, 2017.

The Goa Protection of Interests of Depositors (in Financial Establishments) (Amendment) Act, 2017

(Goa Act 13 of 2017) [29-8-2017]

AN

ACT

*to amend the Goa Protection of Interests of
Depositors (in Financial Establishments)
Act, 1999 (Goa Act 10 of 1999).*

Be it enacted by the Legislative Assembly of Goa in the Sixty-eighth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Protection of

Interests of Depositors (in Financial Establishments) (Amendment) Act, 2017.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa Protection of Interests of Depositors (in Financial Establishments) Act, 1999 (Goa Act 10 of 1999) (hereinafter referred to as the “principal Act”), for clause (c), the following clause shall be substituted, namely:—

“(c) “financial establishment” means an individual, an association of individuals, a firm or a company/incorporated bodies registered under the Companies Act, 1956 (Central Act 1 of 1956) or the Companies Act, 2013 (Central Act 18 of 2013), carrying on the business of receiving deposits under any scheme or arrangement or in any other manner but does not include a corporation or a co-operative society owned or controlled by any State Government or the Central Government, or a banking company as defined under clause (c) of section 5 of the Banking Regulation Act, 1949 (Central Act 10 of 1949) or a non-banking financial company as defined in clause (f) of section 45-I of the Reserve Bank of India Act, 1934 (Central Act 2 of 1934).”.

3. *Amendment of section 4.*— In section 4 of the principal Act, after sub-section (4), the following sub-sections shall be inserted, namely:—

“(5) The competent authority shall make an application to any court having jurisdiction to try similar cases or deal with the subject matter pertaining to money or property belonging to a financial establishment or any person specified in section 3 situated within the territorial jurisdiction of that court for appropriate orders.

(6) For the purpose of crediting and dealing with the money realized by the competent authority, he shall open an account in any Scheduled commercial bank.”.

4. *Insertion of new section 4A.*— After section 4 of the principal Act, the following section shall be inserted, namely:—

“4A. *Report and return by financial establishment.*— (1) Every financial establishment which commences or carries on its business as such in the State of Goa on or after the commencement of the Goa Protection of Interests of Depositors (in Financial Establishments) (Amendment) Act, 2017 (hereinafter, in this section, referred to as the “said Act”), shall make a report to the District Collector of the district, mentioning the details about its authority to carry on such business, the location of the financial establishment in the State and its main Branch Office, if any, wherever situated, permanent address of every person responsible for the management of, or conducting of, the business or affairs of the financial establishment in the State and such other particulars as may be prescribed.

(2) Such report shall be made within seven days from the date on which a financial establishment commences or carries on its business as such in the State:

Provided that a financial establishment which has been carrying on its business as such prior to the commencement of the said Act shall make such report within seven days from the date of such commencement.

(3) Every financial establishment shall furnish a quarterly return within one month of the expiry of each quarter of a financial year to the District Collector in respect of its business and financial position, the area of its investment and the location of investments of moneys made by it within and outside the State, if any, and such other particulars as may be prescribed.

(4) Whoever contravenes the provisions of this section shall be liable to a penalty of one thousand rupees per day of delay and upto a maximum of fifty thousand rupees, to be leviable by Competent Authority.”.

5. *Substitution of section 5.*— For section 5 of the principal Act, the following section shall be substituted, namely:—

“5. *Fraudulent default by financial establishment.*— Any financial establishment, which fraudulently defaults any repayment of deposit on maturity along with any benefit in the form of interest, bonus, profit or in any other form as promised or fraudulently fails to render service as assured against the deposit, every person including the promoter, partner, director, manager or any other person or an employee responsible for the management of or conducting of the business or affairs of such financial establishment shall, on conviction, be punished with imprisonment for a term which may extend to ten years and with fine which may extend to one lakh of rupees and such financial establishment also shall be liable for a fine which may extend to five lakh of rupees.

Explanation.— For the purpose of this section, a financial establishment, which commits default in repayment of such deposit with such benefits in the form of interest, bonus, profit or in any other form as promised or fails to render any specified service promised against such deposit, or fails to render any specific service agreed against the deposit with an intention of causing wrongful gain to one person or wrongful loss to another person or commits such default due to its liability arising out of impracticable or commercially not viable promises made while accepting such deposit or arising out of deployment of money or assets acquired out of deposits in such a manner as it involves inherent risk in recovering the same when needed, shall be deemed to have committed a default or failed to render the specific service, fraudulently.”.

6. *Amendment of section 7.*— In section 7 of the principal Act,—

(i) for the existing title thereof, the following title shall be substituted, namely:—

“7. Powers of Special Court regarding attachment, sale, realization and distribution.—”;

(ii) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Upon receipt of an application under section 4, the Special Court shall issue to the financial establishment or to any other person whose property is attached by the Government under section 3, notice accompanied by the application and affidavits and of the evidence, if any, recorded, calling upon the said financial establishment or the said person to show cause on a date to be specified in the notice why the order of attachment should not be made absolute and the properties so attached be sold in public auction.”;

(iii) in sub-section (4), the following expression shall be added at the end, namely:—

“and direct the competent authority to sell the property so attached by public auction and realize the sale proceeds.”;

(iv) for sub-section (6), the following sub-section shall be substituted, namely:—

“(6) After investigation under sub-section (5), the Special Court shall pass an order, within a period of one hundred and eighty days from the date of receipt of an application under sub-section (3) of section 4, either by making the ad-interim order of attachment absolute or varying it by releasing a portion of the property from attachment or cancelling the ad-interim order of attachment and then direct the competent authority to sell the property so attached by public auction and realize the sale proceeds:

Provided that the Special Court shall not release from attachment any interest which it is satisfied that the financial establishment or the person referred to

in sub-section (1) has in the property unless it is also satisfied that there will remain under attachment an amount of property of value not less than the value that is required for repayment to the depositors of such financial establishment.”;

(v) after sub-section (6), the following sub-sections shall be inserted, namely:—

“(7) The Special Court shall, on an application by the competent authority pass such order or issue such direction as may be necessary for the equitable distribution among the depositors of the money attached or realized out of the sale.

(8) In case the money realized from the sale of property attached is not enough to cover the shortfall, the Special Court may impose fine on every person, including the promoter, partner, director, manager or any other person or an employee responsible for the management of or conducting of the business of the affairs of such financial establishment to cover the shortfall as may be necessary for the purpose of repayment to the depositors.

(9) Where an application is made by any person duly authorized or specified by any other State Government under similar enactment empowering him to exercise control over any money or property or assets attached by that State Government, the Special Court shall exercise all its powers as if such an application were made under this Act and pass appropriate order or direction on such application so as to give effect to the provisions of such enactment.”.

7. *Amendment of section 11.*— In section 11 of the principal Act, the existing provision thereof shall be numbered as sub-section (1) and after sub-section (1) as so numbered, the following sub-section shall be inserted namely:—

“(2) No appeal under sub-section (1), by a person who is in any manner liable to repay the deposit and the interest accrued thereon to the depositors, shall be entertained unless, the appeal is accompanied by satisfactory proof for the deposit with the competent authority of an amount equivalent to seventy five percent of the aggregate amount of deposit liability.”.

8. *Insertion of new section 13A.*— After section 13 of the principal Act, the following section shall be inserted, namely:—

“13A. *Offences to be cognizable.*— All offences under this Act shall be cognizable.”.

9. *Insertion of new section 14A.*— After section 14 of the principal Act, the following section shall be inserted, namely:—

“14A. *Protection of action taken in good faith.*— No suit or other proceedings shall lie against the Government or the competent authority or an officer or employee of the Government for anything which is, in good faith, done or intended to be done under this Act.”.

Secretariat,
Porvorim-Goa.
Dated: 31-8-2017.

SUDHIR MAHAJAN
Secretary to the
Government of Goa
Law Department
(Legal Affairs).

◆◆◆
Department of Urban Development

—
Notification

11/43/2017-DMA/1571

The following draft rules which the Government of Goa proposes to make in exercise of the powers conferred by sub-section (1) and clauses (oa), (r), (s), (u), (zb), (zc) and (zf) of sub-section (2) section 84 of the Real Estate (Regulation and Development) Act, 2016 (Central Act 16 of 2016) and all other powers enabling it in this behalf, are hereby

published for information of all persons likely to be affected thereby; and notice is hereby given that said draft rules will be taken into consideration by the Government after the expiry of a period of ten days from the date of publication of this Notification in the Official Gazette.

All objections or suggestions to the said draft rules may be forwarded, either through e-mail viz "goarera@gmail.com", or by post to the Secretary (UD), Department of Urban Development, Collectorate Building, Ground Floor, Panaji-Goa-403001, before the expiry of said period of ten days so that they may be taken into consideration at the time of finalization of said draft rules.

DRAFT RULES

In exercise of the powers conferred by sub-section (1) and clauses (oa), (r), (s), (u), (zb), (zc) and (zf) of sub-section (2) of section 84 of the Real Estate (Regulation and Development) Act, 2016 (Central Act 16 of 2016), and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Real Estate (Regulation and Development) (Recovery of Interest, Penalty, Compensation, Fine payable Forms of complaints and Appeal etc.) Rules, 2017.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions.*— In these rules, unless the context otherwise requires,—

(a) "Act" means the Real Estate (Regulation and Development) Act, 2016 (Central Act No. 16 of 2016);

(b) "Appellate Tribunal" means the Goa Real Estate Appellate Tribunal established under sub-section (1) of section 43 by the Government by notification in the Official Gazette;

(c) "Authority" means the Goa Real Estate Regulatory Authority established by the Government under the sub-section (1) of section 20;

(d) "Chairperson" means the Chairperson of the Authority;

(e) "Form" means the form appended to these rules;

(f) "Government" means the Government of Goa.

(g) "Section" means section of the Act;

(2) Words and expressions used and not defined in these Rules but defined in the Act shall have the same meanings as respectively assigned to them in the Act.

3. *Manner of recovery of interest, penalty and compensation.*— Any interest or penalty or compensation imposed on a promoter or an allottee or a real estate agent shall be recoverable under section 40 of the Act, from such promoter or allottee or real estate agent, as the case may be, as an arrears of land revenue under the provision of the Goa Land Revenue Code, 1968 (Act No. 9 of 1969).

4. *Manner of enforcement of the order, direction or decision of the Adjudicating Officer or Authority.*— Every order passed by the Adjudicating Officer, Authority or Appellate Tribunal which it is empowered to do under the Act or the rules and regulations made thereunder, shall be enforced by the Adjudicating Officer or Authority in accordance with the provisions of the Code of Civil Procedure, 1908 (5 of 1908), in the same manner as if it were a decree of the court. In the event such Adjudicating Officer or Authority is unable to execute the order, it shall send a copy of such order to the principal civil court, to execute such order either within the local limits of whose jurisdiction the real estate project is located or in the principal civil court of original jurisdiction within the local limits of whose jurisdiction the person against whom the order is being issued, resides, or carries on business, or personally works for gain alongwith a certificate stating that such an order has not been executed by it.

5. *Terms and conditions and the fine payable for compounding of offence.*— (1) The court may, for the purpose of compounding of any offence under section 70, accept a sum of money as specified in the Table below:—

TABLE

| Sr. No. | Offence | Sum of money to be paid for compounding the offence |
|---------|---|---|
| (1) | Offence under sub-section (2) of section 59 | 5 percent of the estimated cost of the real estate project which may extend upto 20 percent of such estimated cost. |
| (2) | Offence under section 64 | 5 percent of the estimated cost of the real estate project which may extend upto 10 percent of such estimated cost. |
| (3) | Offence under section 66 | 5 percent of the estimated cost of the plot, apartment or building, as the case may be, of the real estate project, for which the sale or purchase has been facilitated, which may extend upto 10 percent of such estimated cost. |
| (4) | Offence under section 68 | 5 percent of the estimated cost of the plot, apartment or building, as the case may be, which may extend upto 10 percent of such estimated cost. |

(2) On payment of the sum of money for compounding the offence as ordered by the Court, no further proceeding shall be taken against the accused person in respect of the same offence, and any proceeding already taken or initiated shall stand abated and the accused person, if in custody, shall be discharged.

(3) The promoter, allottee or real estate agent, as the case may be, shall comply with the order of the Court within the period specified by the court.

6. *Manner of filing a complaint with the Authority and the manner of holding an inquiry by the Authority.*— (1) Any aggrieved person, having any interest in the project, may file a complaint with the Authority for any violation under the Act or the rules and regulations made thereunder, save as those provided to be adjudicated by the Adjudicating Officer, as per Form 'A' in triplicate which shall be accompanied by a fee of rupees five thousand through NEFT or RTGS system or any other digital transaction mode:

Provided that, when the Authority makes a provision for filing a complaint online/web-

based, it shall not be necessary to submit such form in triplicate.

(2) The Authority shall follow, the following procedure for the purposes of deciding any complaint filed under sub-rule (1):—

(a) Upon receipt of the complaint the Authority shall issue a notice alongwith particulars of the alleged contravention and the relevant documents to the respondent. Such notice shall specify a date and time for further hearing;

(b) In case the Authority is satisfied on the basis of the submissions made that the complaint does not require any further inquiry it may dismiss the complaint.

(c) In case the Authority is satisfied on the basis of the submissions made that there is need for further hearing into the complaint it may order production of documents or other evidence on a date and time fixed by it.

(d) On the date so fixed, the Authority shall require the applicant and respondent

to give evidence or to produce any document which in the opinion of the Authority, may be useful for or relevant to the subject matter of the inquiry. Thereafter, the Authority shall have the power to carry out an inquiry on the basis of documents and submissions.

(e) The Authority upon consideration of the evidence produced before it and other records and submissions is satisfied that,—

(i) the respondent is in contravention of the provisions of the Act or the rules and regulations made thereunder it shall pass orders, adjudging the quantum of compensation as it thinks fit in accordance with the provisions of the Act or the rules and regulations made thereunder with reasons to be recorded in writing; or

(ii) the respondent is not in contravention of the provisions of the Act or the rules and regulations made thereunder the Authority may, by order in writing, dismiss the complaint, with reasons to be recorded in writing.

(f) If any person fails, neglects or refuses to appear, or present himself as required before the Authority, the Authority shall have the power to proceed with the inquiry in the absence of such person or persons after recording the reasons for doing so.

7. Manner of filing a complaint with the Adjudicating Officer and the manner of holding an inquiry by the Adjudicating Officer.— (1) Any aggrieved person may file an Application in form “B” hereto with the Adjudicating Officer, for the purpose of adjudging compensation under section 12, 14, 18 or 19. The Application shall be accompanied by a fee of rupees five thousand paid through NEFT or RTGS system or any other digital transaction mode.

(2) The Adjudicating Officer shall follow, the following procedure for the purposes of

deciding any Application filed under sub-rule (1):—

(a) The Adjudicating officer shall, — upon receipt of the Application issue a notice along with the copy of such Application and the relevant documents to the respondent. Such notice shall specify a date and time fixed for hearing of the case.

(b) In case the Adjudicating Officer is satisfied on the basis of the submissions made that the complaint does not require any further inquiry it may dismiss the complaint.

(c) In case the Adjudicating Officer is satisfied on the basis of the submissions made that there is need for further hearing into the complaint it may order production of documents or other evidence on a date and time fixed by it.

(d) On the date so fixed, the Adjudicating Officer shall require the applicant and respondent to give evidence or to produce any document which in the opinion of the Adjudicating Officer, may be useful for or relevant to the subject matter of the inquiry. Thereafter, the Adjudicating Officer shall have the power to carry out an inquiry on the basis of documents and submissions.

(e) The Adjudicating Officer upon consideration of the evidence produced before it and other records and submissions is satisfied that,—

(i) the respondent is in contravention of the provisions of the Act or the rules and regulations made thereunder it shall pass orders, adjudging the quantum of compensation as it thinks fit in accordance with the provisions of the Act or the rules and regulations made thereunder with reasons to be recorded in writing; or

(ii) the respondent is not in contravention of the provisions of the Act or the rules and regulations made

thereunder the Adjudicating Officer may, by order in writing, dismiss the complaint, with reasons to be recorded in writing.

(f) If any person fails, neglects or refuses to appear, or present himself as required before the Adjudicating Officer, the Adjudicating Officer shall have the power to proceed with the inquiry in the absence of such person or persons after recording the reasons for doing so.

(g) The Adjudicating Officer shall before passing any order, consider the factors specified in section 72.

8. *Manner of service of notice and order.*—
(1) Adjudicating Officer shall deliver a certified copy of the order to the complainant and respondent.

(2) A notice or an order issued under these rules shall be served in any of the following manner,—

(a) by delivering or tendering it to that person or person's authorised agent in an electronic form provided that there is sufficient evidence of actual delivery of the electronic record to the concerned person; or

(b) by sending it to the person by registered post with acknowledgement due to the address of his place of residence or

the last known place or residence or business place; or

(c) if it cannot be served under clause (a) or (b) above, then by affixing it, in the presence of two witnesses, on the outer door or some other conspicuous part of the premises in which that person resides or is known to have last resided, or carried on business or personally works or last worked for gain.

9. *Manner of filing Appeal to the Appellate Tribunal.*— (1) Every appeal filed under sub-section (1) of section 44 shall be accompanied by a fee of rupees five thousand paid through NEFT or RTGS system or any other digital transaction mode.

(2) Every appeal shall be filed in Form "C" hereto in triplicate along with the following documents,—

(a) attested true copy of the order against which the appeal is preferred;

(b) copies of the documents relied upon by the appellant and referred to in the appeal;

(c) index of the documents:

Provided that, when the Authority makes a provision for filing a Appeal online/web-based, it shall not be necessary to submit such form in triplicate.

FORM 'A'

[See rule 6]

COMPLAINT TO THE AUTHORITY
(Complaint under section 31 of the Act)

For use of office:
Date of filing:
Date of receipt by post: Complaint No. :
Signature: Authorized Officer:

BEFORE THE GOA REAL ESTATE REGULATORY AUTHORITY
(Name of place)

Between Complainant(s) And..... Respondent(s)

Details of claim:

1. Particulars of the complainant(s):

(i) Name of the complainant:

(ii) Address of the existing office/residence of the complainant:

(iii) Address for service of all notices:

2. Particulars of the respondents:

(i) Name(s) of respondent:

(ii) Office address of the respondent:

(iii) Address for service of all notices:

3. (a) Jurisdiction of the Authority:

The complainant declares that the subject matter of the claim falls within the jurisdiction of the Authority.

(b) Project Registration No.

4. Facts of the case:

[give a concise statement of facts and grounds for complaint]

5. Relief(s) sought:

In view of the facts mentioned in paragraph 4 above, the complainant prays for the following relief(s) [Specify below the relief(s) claimed explaining the grounds of relief(s) and the legal provisions (if any) relied upon]

6. Interim order, if prayed for:

Pending final decision on the complaint the complainant seeks issue of the following interim order:

7. Complaint not pending with any other court, etc.:

The complainant further declares that the matter regarding which this complaint has been made is not pending before any court of law or any other Authority or any other Tribunal(s).

8. Particulars in respect of the fee in terms of sub-rule (1) of rule 6 :

(i) Amount

(ii) Mode

9. List of enclosures:

[Specify the details of enclosures with the complaint]

Verification

I (name in full block letters) son/daughter of the complainant do hereby verify that the contents of paragraphs [1 to 9] are true to my personal knowledge and belief and that I have not suppressed any material fact(s).

Place:

Date:

Signature of the complainant(s)

FORM "B"

[See rule 7]

APPLICATION TO ADJUDICATING OFFICER

(Claim for compensation under section 12, 14, 18 and or 19 read with section 71 of the Act)

For use of office:

Date of filing:

Date of receipt by post:

Application No.:

Signature:

Authorized Officer:

BEFORE THE ADJUDICATING OFFICER

Between Applicant(s)

And

..... Respondent(s)

Details of claim:

1. Particulars of the applicant(s):

- (i) Name of the applicant:
- (ii) Address of the existing office/residence of the applicant:
- (iii) Address for service of all notices:
- (iv) Details of allottees apartment, plot or building

2. Particulars of the respondents:

- (i) Name(s) of respondent:
- (ii) Office address of the respondent:
- (iii) Address for service of all notices:
- (iv) Registration No. and address of project:

3. (a) Jurisdiction of the Adjudicating Officer:

The applicant declares that the subject matter of the claim falls within the jurisdiction of the adjudicating officer.

(b) Project Registration No.:

4. Facts of the case:

(give a concise statement of facts and grounds of claim against the respondent)

5. Compensation(s) sought:

In view of the facts mentioned in paragraph 4 above, the applicant prays for the following compensation(s)

.....

[Specify below the compensation(s) claimed explaining the grounds of claim(s) and the legal provisions (if any) relied upon]

6. Claim not pending with any other court, etc.:

The applicant further declares that the matter regarding which this application has been made is not pending before any Court of Law or any other Authority or any other Tribunal(s).

7. Particulars of the fee in terms of sub-rule (1) of rule 7:

- (i) Amount
- (ii) Mode

8. List of enclosures:

(Specify the details of enclosures with the application)

Verification

I (name in full block letters) son/daughter of the applicant do hereby verify that the contents of paragraphs (1 to 8) are true to my personal knowledge and belief and that I have not suppressed any material fact(s).

Place:

Date:

Signature of the applicant(s)

FORM "C"

(See rule 9)

APPEAL TO APPELLATE TRIBUNAL

For use of Appellate Tribunal's office:

Date of filing:

Date of receipt by post:

Registration No.:

Signature:

Authority Officer:

IN THE GOA REAL ESTATE APPELLATE TRIBUNAL (Name of place)

Between

..... Appellant(s)

And

..... Respondent(s)

Details of appeal:

1. Particulars of the appellants:

- (i) Name of the appellant:
- (ii) Address of the existing office/residence of the appellant:
- (iii) Address for service of all notices:

2. Particulars of the respondents:

- (i) Name(s) of respondent:
- (ii) Office address of the respondent:
- (iii) Address for service of all notices:

3. (a) Jurisdiction of the Appellate Tribunal:

The appellant declares that the subject matter of the appeal falls within the jurisdiction of the Appellate Tribunal.

(b) Project Registration No. :

4. Limitation:

The appellant declares that the appeal is within the limitation specified in sub-section (2) of section 44.
OR

If the appeal is filed after the expiry of the limitation period specified under sub-section (2) of section 44 specify reasons for delay

5. Facts of the case:

(give a concise statement of facts and grounds of appeal against the specific order of the Authority or the Adjudicating Officer, as the case may be passed under section(s) of the Act.

6. Grounds of Appeal:

7. Relief(s) sought:

In view of the facts mentioned in paragraph 5 above, the appellant prays for the following relief(s)

.....
[Specify below the relief(s) sought explaining the grounds of relief(s) and the legal provisions (if any) relied upon]

8. Interim order, if prayed for:

Pending final decision on the appeal, the appellant seeks issue of the following interim order:-
(Give here the nature of the interim order prayed for with reasons)

9. Matter not pending with any other court, etc.:

The appellant further declares that the matter regarding which this appeal has been made, is not pending before any court of law or any other Authority or any other Tribunal(s).

10. Particulars of the fee in terms of sub-rule (1) of rule 9:

(i) Amount

(ii) Mode

11. List of enclosures:

(i) An attested true copy of the order against which the appeal is filed.

(ii) Copies of the documents relied upon by the appellant and referred to in the appeal.

(iii) An index of the documents.

Verification

I (name in full block letters) son/daughter of the appellant do hereby verify that the contents of paragraphs (1 to 10) are true to my personal knowledge and belief and that I have not suppressed any material fact(s).

Place :

Date:

Signature of the appellant (s)

By order and in the name of the Governor of Goa.

J. Ashok Kumar, IAS, Director & ex officio Addl. Secretary (Urban Development).

Panaji, 31st August, 2017.

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